THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.15491 of 2007

DATED: 20.07.2007

Between:

P.Venkat Raju. .. Petitioner

And

The District Collector, Krishna District,
Machilipatnam,
and others. .. Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.15491 of 2007

ORDER:

This writ petition is filed questioning the notification, dated 29.06.2007, issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the L.A.Act'), totally notifying the land to an extent of Ac.74-75 cents situated at Jakkampudi village, Vijayawada Rural Mandal, Krishna District, for public purpose namely for construction of houses for Urban Public under Jawaharlal Nehru National Urban Renewal Missions Scheme.

In the impugned notification, the lands totally admeasuring Ac.74-75 cents situated at Jakkampudi village, Vijayawada Rural Mandal, Krishna District are notified. So far as the petitioner in this writ petition is concerned, he is aggrieved by the notification only to an extent of the land admeasuring Ac.5-05 cents covered by Sy.No.248/4 of Pallam. It is the grievance of the petitioner that though under Section 4(1) of the L.A.Act notification, one Devineni Ramanna is shown as Pattadar and Kuragani Kanakamma is shown as possessor, but however, it is stated that out of the said extent, an extent of 500.55 sq. yards house plot was sold to Mrs.Devi Reddy Durga Anuradha by one Korakani Venkateswara Rao, son of Kanakaiah, who in turn sold 500.55 sq. yards of land in Sy.No.248/4 to Kakarlapudi Rama Krishnam Raju under registered sale deed dated 2.1.2004, who in turn again sold the said plot to this petitioner under registered sale deed dated 23.2.2004, and ever since the date of purchase, the petitioner

has been in possession and enjoyment over the same.

It is the grievance of the petitioner that in view of the notification under Section 4 (1) of the L.A.Act, though he has leveled up the plot and raised its height by about 6 feet as the said land was low lying and fenced it with an intention to construct his building in the said plot, the respondents are interfering under the guise of survey and threatening him to take steps for eviction also.

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition.

From a reading of the notification under Section 4(1) of the L.A.Act, it shows that the Revenue Divisional Officer, Vijayawada is appointed as an Officer to conduct the enquiry under Section 5-A of the L.A.Act on behalf of the District Collector. It is clear from the notification that it is not a case where an urgency clause is invoked under Section 17(4) of the L.A.Act, however, an enquiry is being conducted under Section 5-A of the L.A.Act. As it is the case of the petitioner that he has purchased House plot No.19 and 20 of an extent of 500 sq. yards in a lay out covered by Sy.No.248/4 in an extent of Ac.5-05 cents, which was granted by the competent authority, he can very well raise his objections, if any, before the enquiry, which is being conducted under Section 5-A of the L.A.Act. As much as the enquiry is being conducted under Section 5-A of the L.A.Act, unless the enquiry is concluded and declaration is issued under Section 6 of the Act, no steps can be taken by the respondents to dispossess the petitioner, who claim to be one of the occupant covered by house in Sy.No.248/4. If any objections are there, the petitioner can very well raise such objections in the enquiry being conducted under Section 5-A of the L.A.Act.

For the above reason, I dispose of the writ petition permitting the petitioner to putforth his objections by way of representation in the enquiry being conducted under Section 5-A of the L.A.Act, with reference to their claims, title and possession in respect of the land covered by Sy.No.248/4 admeasuring Ac.5-05 cents within a period of two weeks from the date of receipt of a copy of this order, and if such representations and objections are filed by the petitioner, the second respondent-Revenue Divisional Officer and Land Acquisition Officer shall conduct enquiry by issuing notice to them and by following the provisions contained under Section 5-A of the L.A.Act, and pass appropriate orders. Unless such objections are considered and order under Section 5-A of the L.A.Act is communicated to the petitioner, no steps shall be taken against the petitioner for their eviction. However, if no objections are filed by the petitioner in the enquiry under Section 5-A of the L.A.Act, or subject to outcome of the enquiry, it is open for the respondents to take further steps in accordance with the Land Acquisition Act and the Rules made there under.

With the above directions, the writ petition is disposed of. No order as to costs.

(R.SUBHASH REDDY,J)

Dt.20.07.2007
Note: Furnish CC by 23.07.2007
B/o
v v